

CAUSE NO. 1092061D

THE STATE OF TEXAS

X

IN THE DISTRICT COURT

VS.

X

TARRANT COUNTY, TEXAS

JEROME OVERSTREET

X

FILED  
THOMAS A WILDER, DIST. CLERK  
213<sup>th</sup> JUDICIAL DISTRICT  
TARRANT COUNTY, TEXAS

COURT'S CHARGE

SEP 24 2009

TIME 3:30 pm  
BY SR-R DEPUTY

MEMBERS OF THE JURY:

The defendant, Jerome Overstreet, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 12th day of November, 2007, in Tarrant County, Texas. To this charge the defendant has pleaded not guilty.

ATTEST: October 1, 2009  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: [Signature]  
DEPUTY  
P9-1066

You are instructed that the law applicable to this case is as follows:

Our law provides that a person commits the offense of murder if the person intentionally or knowingly causes the death of an individual.

A person commits the offense of capital murder if the person intentionally commits the murder in the course of committing or attempting to commit aggravated sexual assault.

A person commits the offense of aggravated sexual assault if the person intentionally or knowingly causes the penetration of the anus or sexual organ of another person by any means, without that person's consent or causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent or causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth or anus or sexual organ of another person, including the actor and the person causes serious bodily injury or attempts to cause the death of the victim in the course of the same criminal episode

"Individual" means a human being who is alive.

“In the course of committing” means conduct occurring in an attempt to commit, during the commission, or in the immediate flight after the attempt or commission of the offense.

A person commits a criminal attempt if, with specific intent to commit an offense, he does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

“Actor” means a person whose criminal responsibility is in issue in a criminal action.

“Consent” means assent in fact, whether express or apparent.

“Bodily injury” means physical pain, illness, or any impairment of physical condition.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member

A sexual assault is without the consent of the other person if the actor compels the other person to submit or participate by the use of physical force or violence

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With regard to the offense of capital murder, a person acts intentionally, or with intent, with respect to a result of his conduct when it is his conscious objective or desire to cause the result.

With regard to the offense of aggravated sexual assault, a person acts intentionally, or with intent, with respect to the nature of his conduct or a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

With regard to the offense of aggravated sexual assault, a person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

Now bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 12th day of November, 2007, in Tarrant County, Texas, the defendant, Jerome Overstreet, did then and there intentionally cause the death of an individual, Vikky Overstreet, by traumatic asphyxiation by covering the mouth and nose and blocking the airway by manner and means unknown to the grand jury; or by compressing the chest by manner and means unknown to the grand jury; or by strangulation by manner and means unknown to the grand jury; or by a combination thereof and the said defendant was then and there in the course of committing or attempting to commit the offense of aggravated sexual assault, then you will find the defendant guilty of capital murder as charged in the indictment.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the Defendant not guilty.

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In a criminal case the law permits a defendant to testify in his own behalf but he is not compelled to do so, and the same law provides that the fact that a defendant does not testify shall not be considered as a circumstance against him. You will, therefore, not consider the fact that the defendant did not testify as a circumstance against him; and you will not, in your retirement to consider your verdict, allude to, comment on, consider, or in any manner refer to the fact that the defendant has not testified.

You are instructed that you may consider all relevant facts and circumstances surrounding the alleged killing, if any, and the previous relationship existing between the accused and the deceased, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the offense, if any.

You are further charged as a part of the law in this case that the State is not required to prove the exact date alleged in the indictment but may prove the offense, if any, to have been committed at any time prior to the presentment of the indictment.

All persons are presumed to be innocent, and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that the defendant has been arrested, confined, or indicted for or otherwise charged with the offense gives rise to no inference of guilt at the defendant's trial.

The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all the evidence in the case.

The indictment in this case is no evidence whatsoever of the guilt of the defendant. It is a mere pleading necessary in order to bring this case into Court for trial, and you will consider it for no purpose at all.

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, or any witness therein, and no juror is permitted to communicate to any other juror anything he may have heard regarding the case or any witness therein, from any other source than the witness stand.

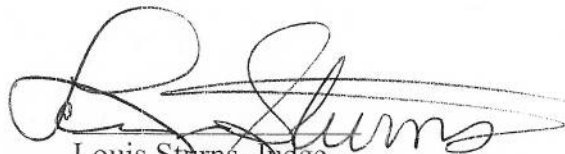
Your verdict must be by a unanimous vote of all members of the jury. In deliberating on the case you are not to refer to or discuss any matter or issue not in evidence before you.

You are the exclusive judges of the facts proven, of the credibility of the witnesses and of the weight to be given to their testimony, but you are bound to receive the law from the Court, which is herein given, and be governed thereby.

Any further communication must be in writing by your foreperson through the bailiff to the Court, except as to your personal needs which may be communicated orally to the bailiff in charge.

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After you retire to the jury room, you should select one of your number as your foreperson. It is his or her duty to preside at your deliberation, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form and signing the same as your foreperson.

A handwritten signature in black ink, appearing to read "Louis Sturns", written over a horizontal line.

Louis Sturns, Judge  
213th District Court

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VERDICT FORMS

We the Jury find the Defendant guilty of the offense of capital murder as charged in the indictment.

*Ludsey Taylor*  
Foreperson

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

-OR-

We the Jury find the Defendant not guilty.

SEP 24 2009  
TIME 9:01 pm  
BY SR-R DEPUTY

\_\_\_\_\_  
Foreperson

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